

# MEMORANDUM

Agenda Item No. 8(L)(1)

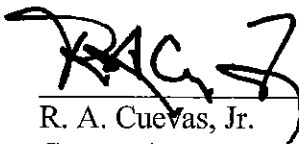
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 5, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution declaring surplus County-owned right-of-way located in Section 1, township 55 south, range 38 east identified as Parcel No. 112.1; authorizing the conveyance of same to the Florida Department of Transportation in accordance with Florida Statute Section 125.38 at nominal sum of \$10.00 for improvements along State Road 997 between SW 136th Street and State Road 94; authorizing the County Mayor to take all actions necessary to accomplish the conveyance of said property; and authorizing the Chairperson or Vice Chairperson of the Board of County Commissioners to execute a County Deed for such purposes

The accompanying resolution was prepared by Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

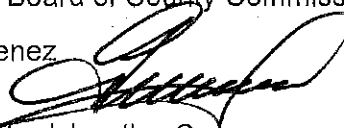
RAC/cp

# Memorandum



**Date:** May 5, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Authorizing the Conveyance of County Owned Right-of-Way to the Florida Department of Transportation in Accordance with F.S. 125.38 for No Monetary Consideration for Improvements Along State Road 997 (SW 177 Avenue/Krome Avenue) Between SW 136 Street and SR 94 (SW 88 Street/Kendall Drive), in Section 1, Township 55 South, Range 38 East

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## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution and authorize the Chairman or Vice Chairman of the Board to execute a County Deed conveying the right-of-way identified as Parcel 112.1. The Public Works and Waste Management Department (PWWM) has no objection to this right-of-way being conveyed.

## Scope

The right-of-way to be conveyed is located within Commissioner Juan Zapata's District 11.

## Fiscal Impact/Funding Source

There is no fiscal impact to Miami-Dade County due to this conveyance. Conveying this right-of-way will not result in an increase in revenue from property taxes since land used as right-of-way is exempt from paying taxes. The funding source for FDOT's eventual project is District 6 Trust fund (MPO Project Num. DT2496147-FY 2014/15-2018/19 TIP-Approved June 19, 2014).

## Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring this conveyance is Mr. Carlos Socarras, Section Head, Right-of-Way Engineering Section, Roadway Engineering and Right-of-Way Division.

## Background

FDOT plans to reconstruct two (2) existing lanes, and add two (2) new lanes along State Road 997 (SW 177 Avenue/Krome Avenue) between SW 136 Street and SR 94 (SW 88 Street/Kendall Drive). The scope of this project (length 3.5 miles) includes: addition of a median to provide road safety, realignment of intersections at Kendall Drive and SW 136 Street to enhance sight distances and lane balance, upgrade of signage, lighting, and traffic signals at those intersections, widening from two (2) lanes to four (4) lanes of this road section, and upgrade of road drainage where necessary. The parcel is legally described in Exhibit "A" of the attached County Deed, and its location is depicted in Exhibit "B" of the attached Resolution. The work is scheduled to commence by June 2016.

  
Alina T. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 5, 2015

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(L)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(L)(1)  
5-5-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING SURPLUS COUNTY-OWNED RIGHT-OF-WAY LOCATED IN SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST IDENTIFIED AS PARCEL NO. 112.1; AUTHORIZING THE CONVEYANCE OF SAME TO THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH FLORIDA STATUTE SECTION 125.38 AT NOMINAL SUM OF \$10.00 FOR IMPROVEMENTS ALONG STATE ROAD 997 BETWEEN SW 136<sup>th</sup> STREET AND STATE ROAD 94; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED FOR SUCH PURPOSES

**WHEREAS**, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the Florida Department of Transportation (the "FDOT") desires to acquire certain County-owned right-of-way, identified as Parcel No. 112.1, which is located at the intersection of State Road 997 (SW 177<sup>th</sup> Ave/Krome Avenue) and SW 104<sup>th</sup> Street as identified in the attached Exhibit "A" and depicted in the attached Exhibit "B" (the "Right-of-Way"), and has applied to the County for the conveyance of same for the proposed widening of State Road 997 from two lanes to four lanes in Miami-Dade County; and

**WHEREAS**, pursuant to Section 125.38 of the Florida Statutes, the Board has determined that it is in the best interest of the County to convey the Right-of-Way to the FDOT for the purpose of road widening at no cost; and

**WHEREAS**, the Board finds that pursuant to Section 125.38 of the Florida Statutes, said Right-of-Way is required and can be used by the FDOT for such purposes, is not needed for County purposes, and will be utilized for the benefit of the public and community interest and welfare; and

**WHEREAS**, the acceptance of the Right-of-Way by FDOT is in accordance with Section 337.25, Florida Statutes, governing FDOT's acceptance of the right-of-way donations for transportation facilities; and

**WHEREAS**, this conveyance is for the construction of County infrastructure, and therefore is not subject to the provisions of Resolution No. 909-14,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** This Board (a) declares the Right-of-Way as surplus, (b) pursuant to Section 125.38, Florida Statutes, authorizes the conveyance of the Right-of-Way to FDOT for nominal sum of \$10.00, by County Deed in substantially the form attached hereto as Exhibit "1", subject to the restrictions that such property be used for public and transportation purposes and other purposes incidental thereto, (c) authorizes the County Mayor or Mayor's designee to take all actions necessary to accomplish the conveyance of the Right-of-Way, and (d) authorizes the execution of said County Deed by the Board of County Commissioners acting by the Chairperson or Vice Chairperson of the Board.

**Section 3.** Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee (a) to record the instrument of conveyance approved herein in the Public Records of Miami-Dade County, b) to provide a recorded copy of said instrument to the

Clerk of the Board within 30 days of execution of said instrument, c) to attach and permanently store a recorded copy of said instrument together with this resolution, and (d) to deliver a recorded copy of said instrument to the District Secretary of the Florida Department of Transportation.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

|                                     |                      |
|-------------------------------------|----------------------|
| Jean Monestime, Chairman            |                      |
| Esteban L. Bovo, Jr., Vice Chairman |                      |
| Bruno A. Barreiro                   | Daniella Levine Cava |
| Jose "Pepe" Diaz                    | Audrey M. Edmonson   |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Dennis C. Moss                      | Rebeca Sosa          |
| Sen. Javier D. Souto                | Xavier L. Suarez     |
| Juan C. Zapata                      |                      |

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Debra Herman

**EXHIBIT "1"**

Return to:

Right of Way Division .  
Miami-Dade County Public Works and .  
Waste Management Dept .  
111 N.W. 1st Street S-1610 .  
Miami, FL 33128-1970 .

Instrument prepared by: .  
Carlos D. Socarras, PLS., .  
Miami-Dade County Public Works and .  
Waste Management Dept .  
111 N.W. 1st Street .  
Miami, FL 33128-1970 .

Folio No. N/A .  
State Road 997 Parcel No: 112.1 .  
Item/Segment No: 2496143 . SW 177 Ave (Krome Avenue)  
Managing District: 6 . Section 1-55-38,

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**COUNTY DEED**

**THIS COUNTY DEED**, Made this \_\_\_\_ day of \_\_\_\_\_, A.D. 2015,  
by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of  
the State of Florida, whose address is: Stephen P. Clark Center, 111  
NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **FLORIDA  
DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111  
Avenue, Miami, Florida 33172, Grantee,

**WITNESSETH:**

**THAT** the Grantor, for and in consideration of the sum of Ten  
Dollars (\$10.00) to it in hand paid by the Grantee, receipt whereof is  
hereby acknowledged, has granted, bargained and sold to the said  
Grantee, its successors, and assigns forever, the following described  
land lying and being in Miami-Dade County, Florida; to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued, the title to the land described in Exhibit "A" attached hereto, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same, at no cost or expense to the County.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said Grantor, has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:  
BY ITS BOARD OF  
HARVEY RUVIN,  
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA  
COUNTY COMMISSIONERS

By: \_\_\_\_\_

Deputy Clerk

By: \_\_\_\_\_

Jean Monestime, Chairman

The foregoing was authorized and approved by Resolution No. \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.



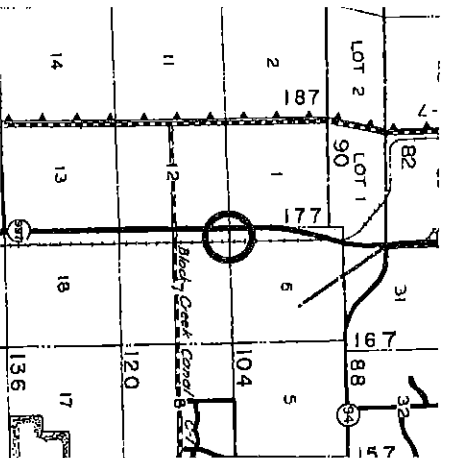
**EXHIBIT "A"**

Parcel 112.1

A parcel of land lying in the Southeast 1/4 (SE 1/4 ) of Section 1, Township 55 South, Range 38 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest Corner of said Section 1, being a 1/2 inch diameter iron pipe; thence N 89°29'56" E, along the South line of said Section 1, for a distance of 5,163.91 feet to the **POINT OF BEGINNING** of the hereinafter described parcel of land; thence N 02°06'16" W, along a line parallel with and 115.70 feet West of the East line of said Section 1, for a distance of 40.02 feet to the point of intersection with a circular curve concave to the Northwest, the center of which bears N 00°30'04" W from said point of intersection; thence Easterly and Northeasterly along the arc of said circular curve concave to the Northwest, having a radius of 25.00 feet, through a central angle of 91°36'12", for an arc distance of 39.97 feet; thence N 02°06'16" W, along a line parallel with and 90.00 feet West of the East line of said Section 1, for a distance of 472.27 feet; thence N 02°06'11" W, along said line parallel with and 90.00 feet West of the East line of said Section 1, for a distance of 122.27 feet to a point on the westerly existing Right-of-Way line of State Road No. 997 (Krome Avenue (S.W. 177th Avenue) as shown on Florida Department of Transportation Maintenance Map for State Road No. 997 (Krome Avenue), Section 87150, recorded in Right-of-Way Road Plat Book 124, at Page 17, of the Public Records of Miami-Dade County, Florida; thence along the Right-of-Way line of State Road No. 997 (Krome Avenue (S.W. 177th Avenue) as shown on said Florida Department of Transportation Maintenance Map for the following three (3) courses: (1) N 89°29'56" E for a distance of 61.02 feet; (2) thence S 02°06'11" E for a distance of 120.56 feet; (3) thence S 02°06'16" E for a distance of 539.70 feet; thence S 89°29'56" W, along the South line of said Section 1, for a distance of 86.73 feet to the **POINT OF BEGINNING**.  
Containing 41,447 square feet, 0.951 acres, more or less.

SEC 1  
TWP 55 S  
RGE 38 E



LOCATION MAP  
NOT TO SCALE

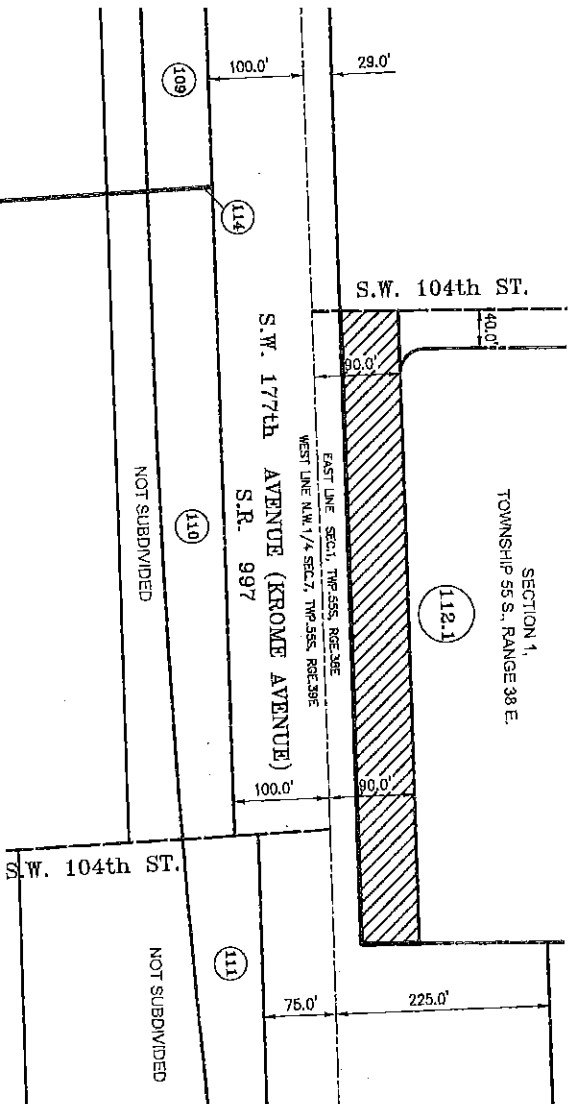
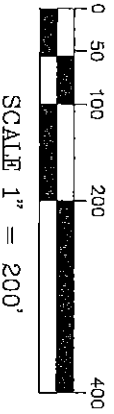


EXHIBIT "B"



AREA TO BE CONVEYED



MIAMI-DADE COUNTY PUBLIC WORKS AND  
WASTE MANAGEMENT DEPT.  
ROADWAY ENGINEERING/RIGHT OF WAY DIVISION  
RIGHT OF WAY ENGINEERING SECTION

KROME AVENUE  
PARCEL 112.1

SCALE 1" = 200'  
PREPARED BY: L.E.  
DATED: 01-09-15





## PROJECT NOTIFICATION

### FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT SIX

State Road (SR) 997/Krome Avenue  
From SW 136 Street to SR 94/SW 88 Street/Kendall Drive  
Project Identification Number: 249614-7-52-01

The Florida Department of Transportation (FDOT) District Six is developing the design for a roadway project along SR 997/Krome Avenue, in Miami-Dade County.

#### PROJECT DETAILS - UPDATE

- Constructing a new roadway along SR 997/Krome Avenue from south of SW 136 Street to SR 94/SW 88 Street/Kendall Drive. The new roadway will be four lanes divided with paved shoulders on both sides and will be constructed using concrete pavement
- Constructing two new bridges (one for northbound and one for southbound traffic) across the Black Creek Canal
- Installing new drainage structures
- Installing new traffic signs
- Upgrading street lighting at the intersection of SR 94/Krome Avenue and SW 136 Street, and around the railroad tracks
- Installing traffic signals at the Intersections of SR 94/Krome Avenue and SW 136 Street

#### PROJECT DATES - UPDATE

Construction is expected to begin in June 2016 and last about 2 years.

#### ESTIMATED CONSTRUCTION COST - UPDATE

\$38.6 million

#### POSSIBLE EFFECTS DURING CONSTRUCTION

Work will be done in phases to reduce the effects of construction on the community.

#### MAINTENANCE OF TRAFFIC

Travel lanes will be closed at times for safety reasons and lane closures will take place during non-peak hours. One lane in each direction will be maintained open at all times

#### FOR MORE INFORMATION

If you have any questions or comments, please contact FDOT Public Information Specialist Sandra Bello by telephone at (305) 470-5349 or by email at [Sandra.Bello@dot.state.fl.us](mailto:Sandra.Bello@dot.state.fl.us).



Please let us know how you prefer to receive information about future projects (mail, email, or other). Your comments are important to us. Please visit our website: [www.fdotmonroe.com](http://www.fdotmonroe.com). Thank you for your participation.



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FLORIDA DEPARTMENT OF TRANSPORTATION  
**DISTRICT SIX DESIGN**  
1000 NW 111 Avenue, Miami, FL 33172